REMARKS

Claims 1-8, 10-18 and 20-28 are pending in the application.

Applicant's independent claims have been amended herein to clarify the claimed invention. The version information in claims 1, 10, 11, 20 and 21 (as amended) describes to be defined in different namespaces, when written in programming language C++, for preventing a collision of names of functions and variables in different versions of the program.

The amendment is based on the original specification, for example, page 36, line 23 to page 37, line 9 and Fig. 7. No new matter is entered.

Claims 1, 10-11, 20-21 are objected to for a minor informality. The claims have been amended to corrected this grammatical error.

Claims 1, 8, 10, 21 and 28 as unpatentable over Apfel et al. (Apfel) in view of Kullick et al. (U.S. 5,732,275) (Kullick). Also claims 2-3, 6-7, 22-23 and 26-27 are likewise deemed unpatentable over Apfel, Kullick and further in view of Hunt and claims 4-5 and 24-25 are rejected as unpatentable over Apfel, Kullick and further in view of Hapner et al.

The Office Action points to Kullick to show the feature of changing one or more program components in the process without stopping transaction processing.

Claims 11, 18 and 20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Boutcher in view of Kullick, it appears the examiner inadvertently wrote the rejection as anticipated by 102(e). Claims 12-13 and 16-17 are likewise unpatentable over Boutcher, Kullick and further in view of Hunt. Claims 14 and 15 are also rejected as unpatentable over Boutcher, Kullick et al. and Hapner et al.

Applicant's claimed invention includes a unique combination of features. The unique combination of features is not suggested by the references themselves. It is respectfully

13

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submitted that a prima facie case of obviousness is not established according to the Office Action. "For a prima facie case of obviousness to exist, there must be some objective teaching in the prior art or ... knowledge generally available to one of ordinary skill in the art [that] would lead that individual to combine the relevant teachings of the references." In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). "The motivation, suggestion or teaching may come explicitly from 1) statements in the prior art, 2) the knowledge of one of ordinary skill in the art, or 3) in some cases the nature of the problem to be solved." In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000) (emphasis added).

Analyzing the current application in accordance with the Federal Circuit's roadmap as outlined above, it is clear that the Office Action does not support the use the knowledge of a skilled artisan to arrive at the present claimed invention. In other words, the second prong of the above test is inapplicable here. "Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." In re Kotzab, 1371. It appears that no proper findings have been offered in the Office Action as to the skilled artisan level.

Therefore, it is respectfully submitted that Kullick in combination with the other references are used for explicit statements or the nature of the problem to be solved for motivation, suggestion or teaching to combine them. In either case, the reason to combine these references has not been established with the required specificity.

Further in reviewing the combination of references all of applicant's claimed features could not be found, for example transmitting a message containing version information indicating a program version, wherein the version information is defined in different

14

84095108_1

namespaces, when written in programming language C++, for preventing a collision of names of functions and variables in different versions of the program.

Since none of the references suggest the above feature it is respectfully submitted the combination of references fails to teach or suggest all the claim limitations.

Finally, there must be a reasonable expectation of success. There is no indication in the references that such a combination would be successfull.

This rejection fails on all three of the tests. First the references do not teach all the limitations.

Second the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Which it is respectfully submitted is not suggested or disclosed

Third there is no teach anywhere that there would be a reasonable expectation of successfully modifying the teaching of the cited reference. Again only applicant's disclosure is being used to provide such a road map of success.

For at least the foregoing reasons it is respectfully requested the rejections be withdrawn and the application allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

15

84095108_1

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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16